

**PATENT****REMARKS**

In the Office Action, the Examiner rejected claim 1 under 35 USC §103(a). This rejection is fully traversed below.

Claim 1 has been amended to further clarify the subject matter regarded as the invention. In addition, new claims 2-20 have been added to the application. Claims 1-20 are now pending in the application.

Reconsideration of the application is respectfully requested based on the following remarks.

**PATENTABILITY OF CLAIM 1**

In the Office Action, the Examiner rejected claim 1 under 35 U.S.C. § 103(a) as unpatentable over Swab et al., U.S. Patent No. 6,929,365, in view of Jesiek, U.S. Patent No. 6,010,216; and further in view of Rydbeck, U.S. Patent No. 5,590,417. This rejection is fully traversed below.

Claim 1 pertains to a pair of eyeglasses that include wireless communication capabilities. Among other things, claim 1 recites a "balancing weight provided within the internal area of at least one of said arms" (claim 1, lines 13-14). As to this limitation, the Examiner relies on column 4, lines 60-65 of Jesiek. However, in contrast to the claimed limitation, Jesiek merely suggests that the amount of frame material removed from an eyeglass frame is equal to the weight of the radio communications circuitry integrated into the frame. There is no notion of balancing by adding weight, merely the notion of removing frame material equal in weight to the added circuitry so as not to add any weight to the glasses. Note that Jesiek is following the norm of the glasses industry particularly -- minimizing the weight of glasses. Hence, if anything, Jesiek teaches against adding weight to any part of a frame for a pair of eyeglasses.

*PATENT*

Moreover, claim 1 also recites: "wherein said at least one battery is provided internal to a first of said arms, wherein said balancing weight is provided internal to a second of said arms so that the two arms are of substantially the same weight" (claim 1, lines 17-20). As noted above, Jesiek is silent on adding weight to any part of a frame for a pair of eyeglasses. Jesiek also teaches that the frame material it removes equals the weight of the added circuitry. Hence, Jesiek also does not teach or suggest that weight would be added to a second arm to balance out the weight from the one or more electrical components provided internal to the first arm. As to the above-noted limitations of claim 1, the Examiner admits that Swab et al. fails to disclose such limitations. Moreover, Rydbeck was not asserted as being capable of teaching or suggesting such limitations.

Accordingly, it is submitted that claim 1 is patentably distinct from any combination of Swab et al. in view of Jesiek and/or Rydbeck. Additional limitations recited in the independent claim are not further discussed as the above-discussed limitations are clearly sufficient to distinguish the claimed invention from Swab et al. in view of Jesiek and/or Rydbeck. Thus, it is respectfully requested that the Examiner withdraw the rejections under 35 USC § 103(a).

**SUMMARY**

It is submitted that the rejection of claim 1 has been traversed. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned representative at the telephone number listed below.

**PATENT**

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388.

Respectfully submitted,



C. Douglass Thomas  
Reg. No. 32,947

(650) 903-9200 ext. 103